

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:14-CR-24

v.

HON. ROBERT HOLMES BELL

RACHEL LYNN HANSON,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Rachel Lynn Hanson filed a motion for modification or reduction of sentence (ECF No. 43) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission.

On August 27, 2015, a report of eligibility was filed by the U.S. Probation Department concluding that Ms. Hanson is ineligible for consideration of modification of sentence because she was sentenced under the career offender guideline. An order was filed the same day allowing the parties 14 days to file any objections to the report of eligibility. No objections were filed to the report of eligibility within the time prescribed and the court entered a memorandum opinion and order denying the motion on September 16, 2015. On October 21, 2015, the court received a letter from Ms. Hanson indicating her objections were timely mailed to the court but returned to her in the mail as undeliverable. The Court filed Ms. Hanson's letter as a motion for reconsideration (ECF No. 51) and reopened her Amendment 782 motion for reduction of sentence (ECF No. 52). In its order, the court appointed counsel and directed her new counsel to review Defendant's objections and

respond to the report of eligibility.

Defense counsel filed a response to the report of eligibility on November 2, 2015 (ECF No. 54) concurring with the probation department's determination that the defendant is not eligible to receive the benefit of the two point guideline reduction based on defendant's status as a career offender. Defendant wishes to preserve the issue for future consideration should the law change.

Therefore, after further review, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (ECF No. 43) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

Dated: November 2, 2015

/s/ Robert Holmes Bell

ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE